APPROVAL OF CONSENT AGENDA

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: David Quigley, AICP, Planning and Zoning Manager/(954) 797-

1103

PREPARED BY: David Abramson, Deputy Planning and Zoning Manager

SUBJECT: Resolution

AFFECTED DISTRICT: 2

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "MJB/DAVIE I," AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-09, MJB/Davie I, 8151 Stirling Road)

REPORT IN BRIEF: The petitioner (Pillar Consultants, Inc.) requests approval to amend the recorded restrictive note on the plat known as "MJB/DAVIE I." Previously, Town Council approved a delegation request amending this recorded plat note on same property. However, the petitioner states in the attached justification letter that subsequent to this amendment, church leaders have approved an architectural program which exceeds the approved note as found in resolution R-2009-10. [Please refer to the table below for a summary of this proposed amendment] Staff finds that the request is consistent with the existing zoning and proposed uses on the subject property.

| | Commercial | Church | Davcare/Preschool | Private School | Ancillary Parking Garage | Covered Outdoor Play Area | |
|---|----------------|----------------|-------------------|-------------------|--------------------------------|---------------------------------|--|
| Recorded | | | , | | | | |
| Note | 90,000 sq. ft. | - | - | - | - | - | - |
| Previously Approved Note (R-2009-10) | - | 45,000 sq. ft. | 15,000 sq. ft. | 30,000 sq. ft. | 165,000 sq. ft. | - | Daycare /preschool uses and private school uses are not permitted with the church use. |
| Proposed Note | - | 51,000 sq. ft. | 30,000 sq. ft. | 61,000 sq. ft. | 200,000 sq. ft. | 10,000 sq. ft. | Daycare /preschool uses and private school uses are not permitted with the church use. |

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, Exhibits

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "MJB/DAVIE I," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as "MJB/Davie I" was approved by Town Council on March 19, 2002.

WHEREAS, said plat was recorded in the public records of Broward County in Plat Book 173, Page 32 and Page 33; and

WHEREAS, resolution R-2009-10 was approved by Town Council on January 7, 2009 amending the restrictive note on the said; and

WHEREAS, the owner desires to revise the restrictive note associated with said plat increasing previously approved gross floor areas; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the "MJB/DAVIE I." The proposed revision being specifically described in the exhibits attached thereto.

<u>SECTION 2.</u> Any improvements required to satisfy Transit Oriented Concurrency should be located within the Town of Davie on the local road network.

| | SECTION 3. This resolution shall take effect immediately upon its passage and | | | | | | | | |
|--------|---|-----------|----------|--------------|--|--|--|--|--|
| adopti | ion. | | | | | | | | |
| PASS | ED AND ADO | PTED THIS | _DAY OF | , 2009. | | | | | |
| ATTE | EST: | | MAYOR/Co | OUNCILMEMBER | | | | | |
| TOW | N CLERK | | | | | | | | |
| APPR | OVED THIS _ | DAY OF | , 200 | 9. | | | | | |

Exhibit (Justification Letter)

PILLAR CONSULTANTS, INC.

Consulting Engineers, Planners, Surveyors, Construction Management, General Contracting
5230 South University Drive - Suite 104
Davie, Florida 33328

Phone (954) 680-6533 Fax (954) 680-0323

April 7, 2009



JUSTIFICATION STATEMENT IN SUPPORT Planning, & Zoning OF REQUESTED PLAT NOTE AMENDMENT FOR MJB/DAVIE 1 PLAT, PLAT BOOK 173, PAGE 32, BROWARD COUNTY RECORDS

To whom it may concern:

The subject property, as noted above, lies at the northeast corner of Stirling Road and Southwest 82nd Avenue. The existing plat is restricted as follows:

"This plat is restricted to 90,000 square feet of commercial use."

The property has subsequently been purchased by New Life Assembly of God of Broward County, Inc. Their goal is to construct a house of worship and family center.

The Town of Davie has previously approved a plat note amendment for this plat in resolution R-2009-10. It was amended as follows:

This plat is restricted to 45,000 square feet of church use, 15,000 square feet of daycare/preschool uses, 30,000 square feet of private school use, and a 165,000 square foot ancillary parking garage. Daycare/preschool uses and private school uses are not permitted with the church use.

Subsequent to the change in the plat note, the church leaders have approved an architectural program which exceeds the note amendment as found in resolution R-2009-10. We have also been in consultation with Broward County. Therefore we would like to further amend the restriction note as follows:

This plat is restricted to 51,000 square feet of church uses, 30,000 square feet of daycare/preschool uses, 61,000 square feet of private school use, and a 200,000 square foot ancillary parking garage. Daycare/preschool uses and private school uses are not

Exhibit (Justification Letter)

permitted with the church use. Additionally, there will be a 10,000 square foot covered outdoor play area.

The granting of this plat note amendment would only allow buildings to be constructed in conformance with the site plan that is currently in process in the Town of Davie.

Very truly yours,

PILLAR CONSULTANTS, INC.

Troy N. Townsend, P.S.M. Director of Surveying



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Exhibit (Plat)

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2009 Town of Davie Planning & Zoning

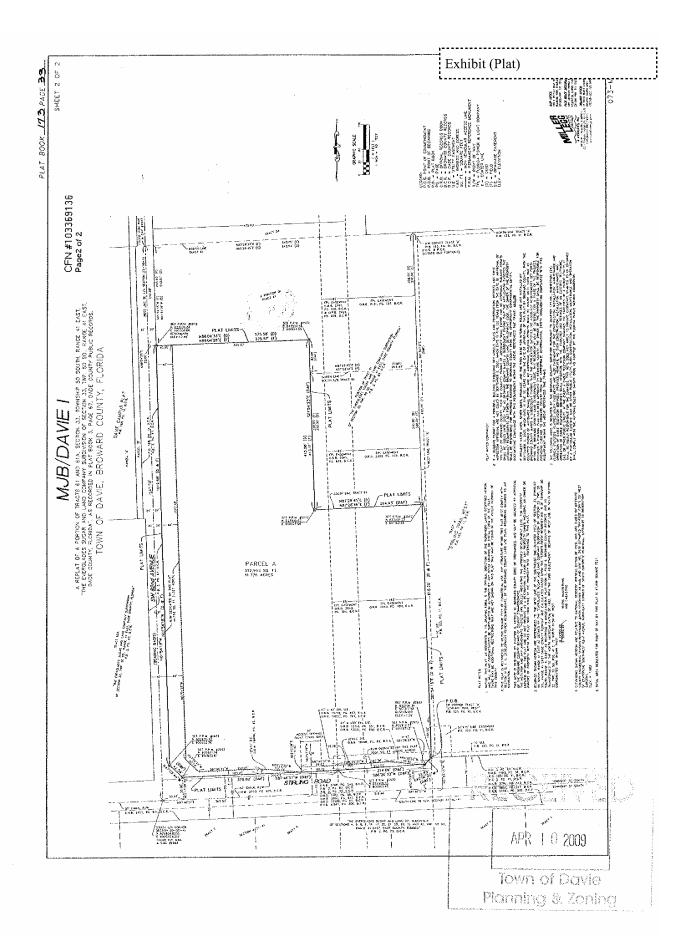
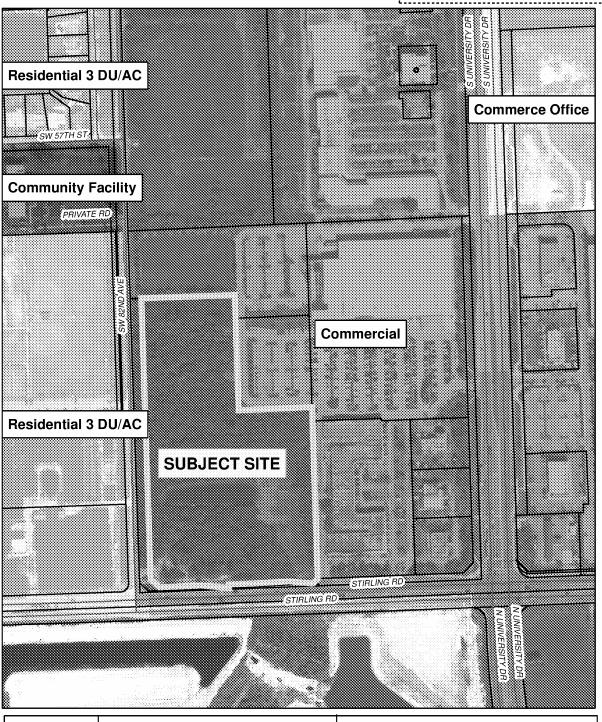
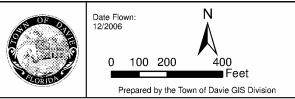


Exhibit (Future Land Use Map)

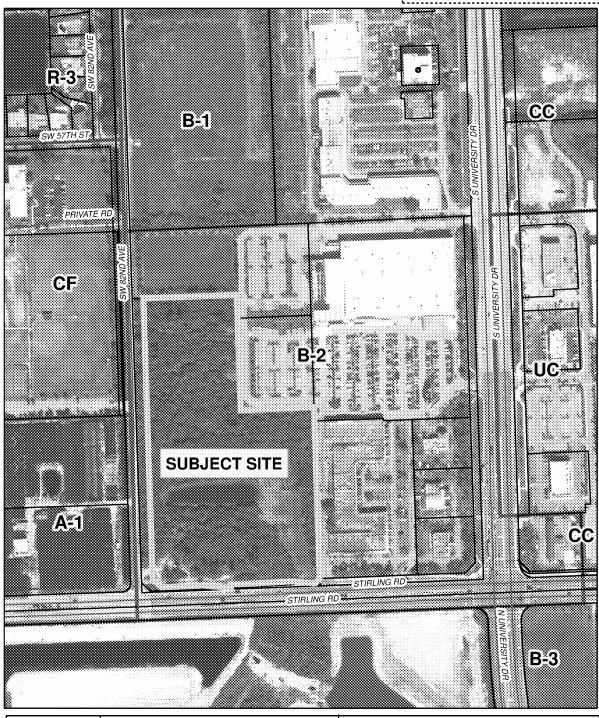


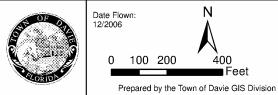


Future Land Use Map

Prepared by: ID Date Prepared:3/10/08

Exhibit (Zoning/Aerial Map)





Zoning and Aerial Map

Prepared by: ID Date Prepared:3/10/08